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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,471	11/30/2000	Alan Young	CITI0207	3173

27510 7590 03/18/2003

KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20005

EXAMINER

JAKETIC, BRYAN J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,471

Applicant(s)

YOUNG ET AL.

Examiner

Bryan Jaketic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On p. 1, line 8, "U.S. Serial No. 09/190,933" is presumably incorrect. Application 09/190,933 is entitled "Pickup Truck Bed Cover" and appears to be unrelated to the present application.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al. Franklin et al disclose a method for performing an electronic transaction comprising the steps of offering a product for purchase from a merchant (col. 7, lines 25-42); receiving selection data identifying merchants and a product (col. 7, lines 25-42) in an electronic portal (122) from a web browser that acts as an interface-enabled communications device (120); providing pricing and product information data (col. 8, line 58 through col. 9, line 14); displaying a unique product code number (col. 15, lines 13-24); receiving customer identification and shipping detail data associated with an

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electronic wallet (Fig. 11; col. 25, line 65 through col. 27, line 10); receiving payment option data associated with an electronic wallet (Fig. 10; col. 24, line 39 through col. 25, line 64); transmitting order information to the merchant (Fig. 12; col. 27, lines 11-40); and providing an order confirmation (col. 28, lines 28-51).

Franklin et al do not expressly disclose the step of transmitting payment authorization to a payment processor. However, Franklin et al do teach the step of transmitting payment information to a merchant (col. 27, lines 28-50). It is common in the art for merchants to send payment authorization comprising purchaser identifying data and merchant identifying data to a payment processor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ this step with the invention of Franklin et al to ensure that funds are properly transferred from the customer to the merchant.

Franklin et al do not expressly disclose the step of accessing a merchant database to provide pricing information. However, Franklin et al teach the step of transmitting pricing information from the merchant to the consumer (col. 8, line 58 through col. 9, line 14). It is inherent that this information is stored in a merchant database.

Franklin et al do not teach that the interface-enabled communications device comprises a wireless telephone. However, it is common in the art to use wireless telephones as a communications interface, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the use of wireless

telephones with the invention of Franklin et al to allow consumers to make purchases from any location.

Franklin et al do not teach that the user identification comprises a telephone number. However, it is common in the art to use any unique number as an identification. It therefore would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a telephone number as a user identification number because it is a unique number that can easily be remembered.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams and Williams et al disclose methods of conducting electronic commerce using a communications gateway and an electronic wallet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bj
March 11, 2003


3/11/03